

1 HAROLD G. BECKS, State Bar No. 59126  
hbecks@beckslaw.com  
2 DOUGLAS L. DAY, State Bar No. 92581  
dougday@beckslaw.com  
3 HAROLD G. BECKS & ASSOCIATES  
3250 Wilshire Boulevard Suite 708  
4 Los Angeles, California 90010  
Telephone: (213) 385-9852  
5 Fax: (213) 385-1370

6 Attorneys for Defendants  
COUNTY OF LOS ANGELES; SHERIFF JIM MCDONNELL; COMMANDER  
7 PATRICK MAXWELL; CAPTAIN JACK EWELL; SERGEANT SEAN BURKE;  
DEPUTY ANTHONY GEISBAEUER; DEPUTY JUAN RODRIGUEZ; DEPUTY  
8 EDSON SALAZAR; DEPUTY DONALD MCNAMARA; DEPUTY STEVEN  
PRATT; DEPUTY IAN STADE; DEPUTY DANIEL WELLE; AND DEPUTY  
9 JAMES WHEELER

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

13 DAWN SOARES, TIFFANY  
14 SOARES, ALISSA VARNEDOE,  
JAYDA MACCASKIE AS MOTHER  
15 AND NATURAL GUARDIAN FOR  
MINOR CHILDREN "J.V." AND  
16 "S.V.", CHILDREN OF DECEDENT,  
AND SUCCESSORS OF INTEREST,  
17 HEIRS.

18 Plaintiffs,

19 v.

20 COUNTY OF LOS ANGELES,  
SHERIFF JIM McDONNELL,  
21 CAPTAIN JACK EWELL,  
SERGEANT SEAN BURKE, DEPUTY  
22 ANTHONY GEISBAUER, DEPUTY  
JUAN RODRIGUEZ, DEPUTY  
23 EDSON SALAZAR, DEPUTY  
DONALD MCNAMARA, DEPUTY  
24 STEVEN PRATT, DEPUTY IAN  
STADE, DEPUTY DANIEL WELLE,  
25 DEPUTY WHEELER; and DOES 1 -  
10,

26 Defendants.  
27  
28

**CASE NO.: 2:17-cv-00924 RGK-AS**

**Assigned to Hon. R. Gary Klausner**

**DEFENDANTS' STATEMENT OF  
UNCONTROVERTED FACTS**

[Filed Concurrently With Motion for  
Partial Summary Judgment, Declaration  
of Douglas L. Day Re Evidence; and  
[Proposed] Order]

DATE: April 16, 2018

TIME: 9:00 a.m.

CTRM: 850, 8<sup>th</sup> Floor

Defendants COUNTY OF LOS ANGELES; SHERIFF JIM MCDONNELL; COMMANDER PATRICK MAXWELL; CAPTAIN JACK EWELL; SERGEANT SEAN BURKE; DEPUTY ANTHONY GEISBAEUER; DEPUTY JUAN RODRIGUEZ; DEPUTY EDSON SALAZAR; DEPUTY DONALD MCNAMARA; DEPUTY STEVEN PRATT; DEPUTY IAN STADE; DEPUTY DANIEL WELLE; AND DEPUTY JAMES WHEELER (“Defendants”) file the following Statement of Uncontroverted Facts:

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
1. Plaintiffs identified no official policy, practice or custom of the County of Los Angeles.	<p>1. First Amended Complaint (“FAC”), ¶ 52-56 (Docket No. 54).</p> <p>Defendant Sheriff Jim McDonnell Special Interrogatories to Plaintiff, Alissa Varnedoe, Set One, attached to Declaration of Douglas L. Day (“Day Decl.”) as Exhibit “A”.</p> <p>Plaintiff Alissa Varnedoe’s Responses to Defendant Sheriff Jim</p>		

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
	McDonnell's Special Interrogatories – Set One, attached to Day Decl. as Exhibit "B".		
2. Plaintiffs identified no official policy, practice or custom of the County of Los Angeles that is unconstitutional.	<p>2. First Amended Complaint ("FAC"), ¶ 52-56 (Docket No. 54).</p> <p>Defendant Sheriff Jim McDonnell Special Interrogatories to Plaintiff, Alissa Varnedoe, Set One, attached to Declaration of Douglas L. Day ("Day Decl.") as Exhibit "A".</p> <p>Plaintiff Alissa Varnedoe's Responses to Defendant Sheriff Jim McDonnell's Special Interrogatories – Set One,</p>		

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
	attached to Day Decl. as Exhibit "B".		
<p>3. Plaintiff failed to establish any training program of the County of Los Angeles or the Los Angeles County Sheriff's Department pertaining to the Special Enforcement Bureau or the SWAT Team that is inadequate.</p>	<p>3. First Amended Complaint ("FAC"), ¶ 52-56 (Docket No. 54).</p> <p>Defendant Sheriff Jim McDonnell Special Interrogatories to Plaintiff, Alissa Varnedoe, Set One, attached to Day Decl. as Exhibit "A".</p> <p>Plaintiff Alissa Varnedoe's Responses to Defendant Sheriff Jim McDonnell's Special Interrogatories – Set One, attached to Day Decl. as Exhibit "B".</p>		
<p>4. Plaintiff has failed to establish any training program,</p>	<p>4. First Amended Complaint ("FAC"), ¶ 52-</p>		

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
<p>or lack thereof, on the part of the County of Los Angeles or the Los Angeles County Sheriff's Department pertaining to the Special Enforcement Bureau or the SWAT Team that amounts to "deliberate indifference".</p>	<p>56 (Docket No. 54).</p> <p>Defendant Sheriff Jim McDonnell Special Interrogatories to Plaintiff, Alissa Varnedoe, Set One, attached to Day Decl. as Exhibit "A".</p> <p>Plaintiff Alissa Varnedoe's Responses to Defendant Sheriff Jim McDonnell's Special Interrogatories – Set One, attached to Day Decl. as Exhibit "B".</p>		
<p>5. Plaintiff has failed to establish the inadequacy of any training program on the part of the County of Los Angeles or the Los Angeles County Sheriff's Department</p>	<p>5. First Amended Complaint ("FAC"), ¶ 52-56 (Docket No. 54).</p> <p>Defendant Sheriff Jim McDonnell Special</p>		

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
<p>pertaining to the Special Enforcement Bureau or the SWAT Team that caused any constitutional violation of Decedent Leroy Varnedoe or Plaintiffs.</p>	<p>Interrogatories to Plaintiff, Alissa Varnedoe, Set One, attached to Day Decl. as Exhibit "A".</p> <p>Plaintiff Alissa Varnedoe's Responses to Defendant Sheriff Jim McDonnell's Special Interrogatories – Set One, attached to Day Decl. as Exhibit "B".</p>		
<p>6. Plaintiff failed to establish that an official with final policymaking authority caused the deprivation of the rights of Decedent and Plaintiffs as to be the moving force that caused the ultimate injury.</p>	<p>6. Ninth Circuit Model Civil Jury Instruction 9.6.</p>		
<p>7. The Los Angeles County Sheriff is the final policymaker for managing the jails</p>	<p>7. <i>Cortez v. County of Los Angeles</i>, 294 F. 3d 273, 281-283 (9<sup>th</sup> Cir.</p>		

Uncontroverted Facts	Source	Plaintiff's Response	Plaintiff's Evidence
and law enforcement purposes for the County of Los Angeles.	2002); <i>Streit v. County of Los Angeles</i> , 236 F. 3d 552, 564 (9 <sup>th</sup> Cir. 2001).		
8. Sheriff Jim McDonnell has no personal involvement in any alleged constitutional deprivation alleged in the First Amended Complaint, and there is no causal connection between any alleged wrongful conduct by Sheriff McDonnell and any constitutional violation of Decedent or Plaintiffs.	8. <i>Starr v. Baca</i> , 652 F. 3d. 1202, 1207 (201		

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1 DATED: March 14, 2018

**HAROLD G. BECKS & ASSOCIATES**

2  
3 By: /s/ Douglas L. Day

4 HAROLD G. BECKS

5 DOUGLAS L. DAY

6 Attorneys for Defendants

7 COUNTY OF LOS ANGELES;

8 SHERIFF JIM MCDONNELL;

9 COMMANDER PATRICK

10 MAXWELL; CAPTAIN JACK

11 EWELL; SERGEANT SEAN BURKE;

12 DEPUTY ANTHONY GEISBAEUER;

13 DEPUTY JUAN RODRIGUEZ;

14 DEPUTY EDSON SALAZAR;

15 DEPUTY DONALD MCNAMARA;

16 DEPUTY STEVEN PRATT; DEPUTY

17 IAN STADE; DEPUTY DANIEL

18 WELLE; AND DEPUTY JAMES

19 WHEELER



**PROOF OF SERVICE**

*Soares v. County of Los Angeles, et al.*  
*USDC Case No.: 2:17-cv-00924*

I am employed in the City of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 3250 Wilshire Boulevard, Suite 708, Los Angeles, California 90010.

On **March 14, 2018**, I served the foregoing document described as: **DEFENDANTS' STATEMENT OF UNCONTROVERTED FACTS**, to all interested parties in this action by a true and accurate copy thereof, enclosed in sealed envelopes, addressed as follows:

Tristan G. Pelayes, Esq.  
Armanda J. Parker, Esq.  
WAGNER & PELAYES, LLP  
1325 Spruce Street, Suite 200  
Riverside, CA 92507  
Tel: (951) 686-4800  
Fax: (951) 686-4081

*Attorney for Plaintiffs*

☒ **BY ELECTRONIC E-FILEING:** (IN COMPLIANCE WITH L.R.5-3-2.1) on **March 14, 2018**, at my place of business.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **March 14, 2018**, at Los Angeles, California.

\_\_\_\_\_  
/s/ Sara Justice  
Sara Justice